

LANDS FOR A SEMINARY OF LEARNING IN LOUISIANA.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

The correspondence between the Executive of the State of Louisiana and the Treasury Department, in relation to the location of two townships of land, granted to that State by an act of Congress passed on the 3d of March, 1827, for the use of a seminary of learning.

FEBRUARY 24, 1836.

Read, and laid upon the table.

TREASURY DEPARTMENT,

February 22, 1836.

SIR: In compliance with the resolution of the House of Representatives, dated the 13th instant, I have the honor to enclose a letter from the Commissioner of the General Land Office, dated the 18th instant, accompanied by certain documents therein referred to, embracing, it is believed, all the correspondence on the subject of the resolution in the possession of the Department.

I have the honor to be, very respectfully,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

The Honorable the SPEAKER
of the House of Representatives.

GENERAL LAND OFFICE,

February 18, 1836.

SIR: In reply to your reference to this office of a resolution of the House of Representatives of the 13th instant, in the following words, viz: "Resolved, That the Secretary of the Treasury be directed to lay before this House a copy of the correspondence between the Executive of the State of Louisiana and the Treasury Department, as to the location of

two townships of land granted to the State of Louisiana by an act of Congress passed on the 3d of March, 1827, for the use of a seminary of learning therein; and that he also be directed to transmit, at the same time, copies of all communications made to the said Department from other persons in relation to that subject," I have the honor to transmit the accompanying documents marked A, B, C, D, E, F, G, H, I, K, L, which embrace all the correspondence on the subject matter of the resolution.

With great respect,

Your obedient servant,

ETHAN A. BROWN, *Commissioner.*

Hon. LEVI WOODBURY,

Secretary of the Treasury.

A.

EXECUTIVE OFFICE,

New Orleans, April 25, 1835.

SIR: On the 3d of March, 1827, Congress passed an act concerning the location of two townships of land for the use of a seminary of learning in the State of Louisiana. (Land laws, p. 940.)

By a resolution of the Legislature at its late session, the Governor is requested to apply to the Secretary of the Treasury of the United States to procure the location of the land referred to in the said act of Congress of 3d March, 1827.

Finding on the files of this office a communication from Mr. Rush, the Secretary of the Treasury of the United States, to the Governor of this State, dated August 21, 1827, a copy of which is hereto annexed, requesting the Governor to make the necessary selections under the act of Congress alluded to, and transmit them to the Department for confirmation, I have proceeded to execute in part, so far as the township plats that are completed would allow, the provisions of the law of Congress, and the consequent directions of the Department, by selecting and designating, by a caveat or notice in the office of the surveyor general and of the Register of the land office, certain tracts on township plats about to be returned, in sections corresponding with the legal subdivisions into which the public lands in these townships are surveyed, as reserved and located for the use of the State, under the said act of the 3d of March, 1827, viz:

Township 15 north, range 12 west—southwestern district of Louisiana.

*Fractional section 1	-	-	-	-	158.03	acres
*North half and southeast quarter of section 2	-	-	-	-	416.96	
*North half and southwest quarter of section 3	-	-	-	-	480.00	
West half of southeast, and east half of southwest quarter of section 4	-	-	-	-	160.00	
West half and southeast quarter of section 10	-	-	-	-	480.00	
Northeast quarter of section 9	-	-	-	-	160.00	
*Section 12	-	-	-	-	983.53	

* The sections marked thus * are located by individuals.

Township 15 north, range 11 west.

Fractional section 17	-	-	-	-	179.44 acres
section 20	-	-	-	-	517.68
section 21	-	-	-	-	100.36
section 28	-	-	-	-	445.85
section 33*	-	-	-	-	628.92
section 34*	-	-	-	-	677.02

Township 14 north, range 11 west.

Fractional section 2	-	-	-	-	370.64
East half of fractional section 3	-	-	-	-	277.62
section 10	-	-	-	-	318.88
section 11	-	-	-	-	152.20
section 14	-	-	-	-	468.30
section 36	-	-	-	-	678.19

Township 13 north, range 11 west.

Fractional section 1	-	-	-	-	491.04
section 2†	-	-	-	-	158.54

There is one feature in Mr. Rush's communication of 21st of August, 1827, to which I beg leave to invite attention. The latter paragraph assumes that "permission is given in the act to locate tracts of *not less than a section*," until the whole quantity shall be obtained.

It is gratuitous to say, as Mr. Rush did, that "permission is given by the act to locate tracts of *not less than a section*." The act does not even say that they may be located in tracts of a section, but in "sections corresponding with any of the legal subdivisions;" which means, and can only mean, that the locations may be made according to the tracts as laid off by the proper surveyors. In the technical language of surveyors, the term section may perhaps be used to designate a specific quantity, six hundred and forty acres; but in the common parlance, and in the intentment of Congress, no doubt, section means nothing more nor less than legal subdivision, more especially when they speak, as in this instance, of *sections corresponding with any of the legal subdivisions into which the public lands are authorized to be surveyed*. To say that the lands set apart by the act must be taken in "sections," in the technical sense of six hundred and forty acres, would be to render the law nugatory, seeing that the surveys contain none, or very few tracts of that kind.

How is it in the case of individuals? If a man has a floating claim of six hundred and forty acres, or other quantity, he takes one or more of the legal subdivisions, till the quantity of his claim is obtained. That is just what we have done in this instance, and for so doing we had the additional warrant of the law, prescribing that the tracts should be located in sections corresponding with *any* of the legal subdivisions.

There is another incidental circumstance which I deem it my duty to suggest. The act of Congress contemplates lands *reserved* to the State. The mode that has been adopted for their location is the only mode by which they can be reserved. From information on which I rely, there are now in the hands of speculators and forestallers floating claims enough

* The sections marked thus * are located by individuals.

† The southeast quarter of this section contains the quantity of 158.54 acres, and is presumed to have been the tract intended by the Governor instead of "fractional section 2," and has accordingly been recommended to the Secretary for his approval.—J. M. M.

to cover all, or nearly all, the unappropriated lands that have been surveyed, and are of much value. The moment the township plats are approved and returned, the holders of these undefined claims will press their entries and absorb all, leaving nothing to satisfy the prior law in favor of the State. In point of fact, there would be no difference between exposing the lands to public sale, and offering them to private entries for floats. In either alternative, the State would be deprived, and the act of Congress frustrated.

I therefore earnestly hope the Department will deem it consonant with right, as well as with the true intention and policy of the act of Congress, to confirm the selections now made, and that, by instructions to the surveyor general, and other land officers, it will authorize other locations in the same manner, on the completion of future plats, up to the complement of the quantity contemplated by the act of 3d of March, 1827.

With great respect,

Your obedient servant,

E. D. WHITE.

Hon. LEVI WOODBURY,

Secretary of the Treasury.

TREASURY DEPARTMENT,

August 21, 1827.

SIR: On the 3d of March last, an act passed Congress providing for the location of the two townships of land granted to the State of Louisiana for the use of a seminary of learning therein; and it is understood to be of importance to the value of the grant that the land should be located without unnecessary delay. A copy of the act is enclosed, and I beg leave to request, if it shall comport with the convenience of your Excellency, that you will be pleased to make the necessary selections, and transmit them to this Department for confirmation, accompanied by a description of the tracts and their numbers.

Although permission is given in the act to locate tracts of not less than a section, it is not expected that you will find it necessary to make many locations of this kind. You will be pleased to select good lands fit for tillage, in whatever tracts they be found, not less than a section, until the whole quantity called for shall be obtained.

I have the honor to be, &c.

RICHARD RUSH.

His Excellency HENRY JOHNSON,

Governor of Louisiana.

B.

EXECUTIVE OFFICE,

New Orleans, June 5, 1835.

SIR: In transmitting to you my communication of the 25th of April last, on the subject of the two townships of land reserved for the use of a seminary of learning in the State of Louisiana, I now subjoin the

copy of a letter from the surveyor general, dated 21st ult. from which it appears that a considerable portion of the tracts selected for the use of the State, as specified in my said communication of 25th of April, have been pitched upon and located by individual holders of floating claims. The tracts thus located by individuals, are marked (*).

The sanction of the Department is respectfully solicited to the remainder.

Very respectfully, &c.

E. D. WHITE.

Hon. LEVI WOODSBURY,

Secretary of the Treasury.

C.

SURVEYOR GENERAL'S OFFICE,

Donaldsonville, May 21, 1835.

SIR: Your caveat or notice of the 25th of April, 1835, designating certain tracts of land as selected for the benefit of the State, under the act of Congress of 3d of March, 1827, has been received, and I have to inform you that previous to the receipt of the notice, some of the tracts therein designated, were selected and located, to satisfy the claims of private individuals, viz:

In township 15 north, range 12 west.

Fractional section 1	-	-	-	-	158.03
North half and southeast quarter of section 2	-	-	-	-	416.96
Section 12	-	-	-	-	
North half and southwest quarter of section 3	-	-	-	-	480.00
<i>In township 15 north, range 11 west.</i>					
Fractional section 33	-	-	-	-	628.92
section 34	-	-	-	-	677.02

I am, sir, very respectfully,
Your obedient servant,

H. T. WILLIAMS,
Surveyor General, Louisiana.

To the GOVERNOR of the State of Louisiana.

D.

GENERAL LAND OFFICE,

June 23, 1835.

SIR: In pursuance of the provisions of the act of the 3d of March, 1827, granting to the State of Louisiana two townships of land for the use of seminaries of learning therein, the Governor of that State has reported to this office the selection of the following tracts situated within the limits of the district of lands subject to sale at Opelousas, viz:

In township 15 north, of range 12 west.

West half of southeast quarter and east half of southwest quarter of section 4	-	-	-	160.00 acres.
West half and southeast quarter of section 10	-	-	-	480.00
Northeast quarter of section 9	-	-	-	160.00
<i>In township 15 north, of range 11 west.</i>				
Fractional section 17	-	-	-	179.44
section 20	-	-	-	497.75
section 21	-	-	-	100.36
section 28	-	-	-	445.85

In township 14 north, of range 11 west.

Fractional section 2	-	-	-	370.64
East half of fractional section 3	-	-	-	277.78
East half of fractional section 10	-	-	-	318.88
Fractional section 11,	-	-	-	152.20
Fractional section 14	-	-	-	468.30
Fractional section 36	-	-	-	678.19

In township 13 north, of range 11 west.

Fractional section 1	-	-	-	491.04
Southeast quarter of section 2	-	-	-	158.54

Which are respectfully submitted for your approval.

I am, &c.

JNO. M. MOORE,
Acting Commissioner.

Hon. L. WOODBURY,
Secretary of the Treasury.

P. S. The communications from the Governor of Louisiana, on this subject, dated the 25th of April and 5th of June, 1835, are herewith transmitted.

E.

TREASURY DEPARTMENT,
June 25, 1835.

SIR: Having approved the locations made under the act of the 3d of March, 1827, enumerated in your letter of the 23d instant, the papers therewith transmitted are herewith returned.

I am respectfully, sir,

Your obedient servant,

LEVI WOODBURY,

Secretary of the Treasury.

COMMISSIONER of the General Land Office.

F.

GENERAL LAND OFFICE,
June 26, 1835.

SIR: I transmit herewith a list of lands situated in the Opelousas district, State of Louisiana, selected by you under the act of the 3d March,

1827, appropriating two townships of land for the use of seminaries of learning in that State, the selections of which were approved by the Secretary of the Treasury on the 25th instant.

Your letter to the Secretary of the Treasury of the 25th of April last, recommends with other tracts the selection of "fractional section 2, 158 $\frac{4}{100}$ acres" in township 13 north, of range 11 west. The southeast quarter of this section (which is an entire one), containing the exact quantity put down in your lists, has been presumed at this office to have been the tract intended by you, and was accordingly submitted to the Secretary of the Treasury for his approval.

I am, &c.

JNO. M. MOORE,
Acting Commissioner.

His Excellency EDWARD D. WHITE,
Governor of Louisiana, New Orleans.

G.

GENERAL LAND OFFICE,
June 26, 1835.

GENTLEMEN: I transmit herewith a list of lands situated within the limits of your district, which have been selected by the Governor of Louisiana, under the provisions of the act of the 3d of March, 1827, granting two townships of land for the use of seminaries of learning in that State.

The selection of these lands having been approved by the Secretary of the Treasury, you will be pleased to have the proper entries made on the books and plats in your office, by marking them as "seminary lands."

I am, &c.

JNO. M. MOORE,
Acting Commissioner.

The REGISTER AND RECEIVER,
At Opelousas, Louisiana.

P. S. You are also requested to advise this office that you have marked the selections as above required.

J. M. M

LIST of lands selected by the Governor of Louisiana, under the provisions of the act of Congress of the 3d of March, 1827, granting two townships of land for the use of seminaries of learning in that State; the selection of which was approved by the Secretary of the Treasury on the 25th of June, 1835.

In township 15 north, of range 12 west.

West half of southeast quarter and east half of south-

west quarter of section 4 - - - - - 160.00 acres

West half and southeast quarter of section 10 - - - - - 480.00

Northeast quarter of section 9 - - - - - 160.00

In township 15 north, of range 11 west.

Fractional section 17	-	-	-	-	-	179.44 acres
section 20	-	-	-	-	-	497.75
section 21	-	-	-	-	-	100.36
section 28	-	-	-	-	-	445.85

In township 14 north, of range 11 west.

Fractional section 2	-	-	-	-	-	370.64
East half of fractional section 3	-	-	-	-	-	277.78
East half of fractional section 10	-	-	-	-	-	318.88
Fractional section 11	-	-	-	-	-	152.20
Fractional section 14	-	-	-	-	-	468.30
Fractional section 36	-	-	-	-	-	678.19

In township 13 north, of range 11 west.

Fractional section 1	-	-	-	-	-	491.04
Southeast quarter of section 2	-	-	-	-	-	158.54

The foregoing tracts are within the limits of the Opelousas land district.

H.

EXECUTIVE OFFICE,

New Orleans, July 3, 1835.

SIR: In a communication to the Department on the 25th of April, 1835, I designated certain tracts of land in the southwestern district of Louisiana, as selected for the use of the State, under the act of Congress of the 3d of March, 1827, and the consequent instructions of Mr. Rush, Secretary of the Treasury, of August 21st, 1827, concerning the location of two townships of land reserved for the use of a seminary of learning in the State of Louisiana.

In farther prosecution of the same subject, I have since proceeded to select and designate, by a caveat or notice, in the office of the surveyor general of Louisiana, and of the register of the land office, certain other tracts embraced in other township plats about to be returned, viz:

Township 15, range 13 east, district north of Red river, Louisiana.

SEC.	AREA.	SEC.	AREA.	SEC.	AREA.	SEC.	AREA.
1	158.62	14	152.51	27	176.83	45	162.85
2	160.55	15	162.11	28	156.53	46	161.15
3	166.64	16	163.18	29	165.21	47	163.99
4	160.71	17	174.48	30	167.62	48	169.42
5	167.35	18	167.12	31	166.26	49	160.30
6	164.68	19	189.70	32	165.26	50	170.45
7	166.25	20	167.45	33	169.77	51	169.57
8	167.64	21	162.79	34	164.42	52	161.07
9	149.51	22	160.26	35	170.29	53	169.89
10	130.48	23	174.40	36	179.80	54	165.39
11	164.52	24	147.99	37	165.01	55	234.47
12	163.19	25	176.15	43	168.99	57	177.54
13	168.69	26	180.78	44	162.20		

Township 15, range 12 east.

SEC.	AREA.	SEC.	AREA.	SEC.	AREA.
5	184.15	6	170.20	7	216.75

Of the tracts thus selected, there may be a few in the possession of actual bona fide settlers, who may have a fair pre-emption claim to the quarter section, or one hundred and sixty acres, in which their improvement is made, under the act of 19th of June, 1834. It is not desired to interfere with such bona fide actual occupants. The object is to obtain for the State the lands intended to be set apart for its use by a previous law, the intention of which is now about to be prostrated by the effect given to the act of 19th of June, 1834, allowing floats.

I therefore respectfully solicit the sanction of the Department in favor of the selections thus made for the State, reserving only to the bona fide settlers aforesaid the privilege contemplated by the act of 19th of June, 1834, of entering the quarter section, or one hundred and sixty acres, on which they are respectively settled, to include their improvements.

With respect, your obedient servant,

E. D. WHITE.

Hon. LEVI WOODBURY,
Secretary of the Treasury.

I.

GENERAL LAND OFFICE,
August 19, 1835.

SIR: Your letter of the 3d of July last, advising this office of the further selection of certain tracts of land in the district north of Red river, under the act of the 3d of March, 1827, granting two townships of land for the use of a seminary of learning in Louisiana, has been received.

The townships 15 north, ranges 12 and 13 east, (the plats of which have not been received at this office,) in which these lands are situated, having never been proclaimed or offered at public sale, no entries will be suffered by the land officers to be made therein, other than by pre-emptors under the act of 19th of June, 1834; and they being allowed two years from the passage of that act to come forward and prove up their pre-emption rights, it is believed that this office cannot act definitively until the expiration of that period. In the mean time, should it be deemed advisable to offer these townships at public sale, the selections made by you will be respected.

I am, &c.

JNO. M. MOORE,
Acting Commissioner.

His Excellency E. D. WHITE,
Governor of Louisiana.

K.

GENERAL LAND OFFICE,

December 18, 1835.

GENTLEMEN: I transmit herewith a copy of a letter from the Governor of Louisiana, dated the 3d of July last, notifying the Department of the selection of certain tracts of land in township 15, range 12 and 13 east, district north of Red river, made in pursuance of the provisions of the act of 3d of March, 1827, entitled "An act concerning the location of land reserved for the use of a seminary of learning in the State of Louisiana."

You are directed not to permit any floating claim derived from the pre-emption law of 19th of June, 1834, to be located on any of these lands, or suffer them to be located on by any claim of any description other than such as may be proved to your satisfaction, by pre-emptors, as actual settlers and occupants under the aforesaid act.

I am, &c.

ETHAN A. BROWN.

The REGISTER and RECEIVER
at Ouachita, Louisiana.

L.

REGISTER'S OFFICE,

Ouachita, La. January 23, 1836.

SIR: Your communication dated the 18th December, 1835, enclosing one from Governor White, of Louisiana, dated 3d of July same year, reached me by last mail. In reply I have to assure you, that Governor White, nor any one for him, ever filed a notice in this office of any location of land, as set forth in the copy of his letter to the Secretary of the Treasury.

Township number 15, in range number 13, east of this district, under the signature of the surveyor general, dated at Donaldsonville, Louisiana, February 19, 1835, was returned to this office on or about the time the present Receiver entered upon the duties of his office. (15th May, 1835.) Upon its reception, many, if not all the lands set apart by the Governor were taken up, partly under the act of the 30th of May, 1830, and partly under the act of the 19th of June, 1834, and floating right derived therefrom.

I would observe, in relation to the notice of the Governor, that had such a document been presented, this office would have required of his Excellency the Governor, the same formalities to locate his seminary floats as of an individual to locate his floating right, to wit: proof to the vacancy and non-occupancy of the lands designated in his notice; and this would have been required without the wish to wound the dignity of the State, of which our sensitive Governor seems to be so tenacious.

The principal part of the lands called for in the schedule sent are now in a high [some words here omitted in the original] and owned by some of our best citizens, many of whom have lived on and cultivated a part of them for seven or eight years past; who purchased floating rights, as they are called, to secure their respective plantations, and no more.

The time of making those locations, under what act, and in the form of an abstract, shall be furnished the Department at an early date; in the mean time, permit me to suggest a *total suspension* of this business.

As his Excellency has laid the subject before the Legislature, I shall take upon myself to write to some of the leading members upon the subject; and if I did not feel called upon to investigate the pre-emptions from personal inspection, I would see his Excellency on this subject.

With profound respect, I am,

Your obedient servant,

JNO. M. A. HAMBLIN, *Register.*

The Hon. ETHAN A. BROWN,

Commissioner of the General Land Office.

